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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

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9 Melvin Leroy Douglass, Jr.,  
10 Plaintiff,

11 v.

12 Albert J. Martin,  
13 Defendant.

No. CV12-0604 PHX DGC

**ORDER**

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15 Plaintiff Melvin Leroy Douglass, Jr. filed a motion for summary judgment on  
16 May 2, 2012. Doc. 8. Defendant Albert J. Martin filed a cross-motion for judgment on  
17 the pleadings (Doc. 12) and Plaintiff responded. Doc. 14. The Court issued an order on  
18 July 10, 2011, giving Plaintiff notice that it intended to treat Defendant's cross motion for  
19 judgment on the pleadings as a motion for summary judgment and giving Plaintiff an  
20 opportunity to respond. Doc. 27. Plaintiff filed a response on July 13, 2011. Doc. 29.  
21 The Court has reviewed the memoranda filed by the parties. Docs. 8, 12, 14, 29. For  
22 reasons discussed below, Plaintiff's motion will be denied and summary judgment will be  
23 entered in favor of Defendant.<sup>1</sup>

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26 <sup>1</sup> Based on statements made at a case management conference on June 27, 2012,  
27 the Court concluded that Plaintiff's "Reply to Response to Motion for Summary  
28 Judgment" (Doc. 13) was Plaintiff's response to Defendant's motion for judgment on the  
pleadings. See Doc. 27 at 1. Plaintiff filed a "Request for Order Correction," stating that  
his response was actually a document filed on May 25, 2012 (Doc. 14). Doc. 28 at 1-2.  
In entering this ruling, the Court has considered the May 25 response and Plaintiff's  
additional response filed after the Court's notification.

1     **I.     Background.**

2             Plaintiff’s claims against Defendant arise out of Plaintiff’s conviction for criminal  
3 damage on December 9, 2008. Plaintiff argues that he was wrongfully convicted and  
4 seeks damages from Defendant as a result. On April 20, 2009, Plaintiff created and had  
5 notarized a document titled “truth affidavit.” Doc. 13-2. The document contained a  
6 statement claiming that Defendant had committed perjury during Plaintiff’s criminal trial.  
7 *Id.* When Defendant failed to respond to the truth affidavit as Plaintiff demanded,  
8 Plaintiff had a lien recorded on Defendant’s property. Doc. 1-1. Plaintiff then prepared  
9 an “administrative judgment” against Defendant in the amount of \$7,250,000 and had it  
10 notarized. Doc. 1 at 3-5.

11             Plaintiff filed a complaint in La Paz County Superior Court seeking enforcement  
12 of the administrative judgment. Doc. 12-1. In September of 2010, the Superior Court  
13 held that Plaintiff’s truth affidavit and administrative judgment had no binding legal  
14 force, that his lien on Defendant’s property violated A.R.S. § 33-420, and that Plaintiff  
15 was liable to Defendant in the amount of \$64,572.12. *Id.* The court cleared Defendant’s  
16 title and invalidated the truth affidavit. *Id.*

17             Plaintiff filed this case 18 months later, again seeking to enforce the truth affidavit  
18 and administrative judgment against Defendant. Doc. 1. This Court has jurisdiction  
19 because the parties are citizen of different states and the amount claimed by Plaintiff  
20 exceeds \$75,000. 28 U.S.C. § 1332(a).

21     **II.     Legal Standards.**

22             A court must grant summary judgment if the pleadings and supporting documents,  
23 viewed in the light most favorable to the nonmoving party, show that there is no genuine  
24 dispute as to any material fact and the movant is entitled to judgment as a matter of law.  
25 Fed. R. Civ. P. 56(a); *see Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986); *Jesinger*  
26 *v. Nev. Fed. Credit Union*, 24 F.3d 1127, 1130 (9th Cir. 1994). Substantive law  
27 determines which facts are material, and only disputes over facts that might affect the  
28 outcome of the suit under the governing law will properly preclude the entry of summary

1 judgment. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986); see *Jesinger*, 24  
2 F.3d at 1130. In addition, the dispute must be genuine, that is, the evidence must be  
3 “such that a reasonable jury could return a verdict for the nonmoving party.” *Anderson*,  
4 477 U.S. at 248.

5 Defendant argues that Plaintiff’s claims are barred by the doctrine of *res judicata*.  
6 State law governs the application of *res judicata* to state court judgments. *Ayers v. City*  
7 *of Richmond*, 895 F.2d 1267, 1270 (9th Cir. 1990); *Marrese v. Am. Acad. of Orthopaedic*  
8 *Surgeons*, 470 U.S. 373, 380 (1985). In Arizona, *res judicata* will preclude a claim when  
9 a former judgment on the merits was rendered by a court of competent jurisdiction and  
10 the matter now in issue between the same parties was, or might have been, determined in  
11 the former action. *Hall v. Lalli*, 977 P.2d 776, 779 (Ariz. 1999). The party seeking to  
12 assert *res judicata* bears the burden of proving that it applies. See *State Comp. Fund v.*  
13 *Yellow Cab Co. of Phoenix*, 3 P.3d 1040, 1044 (Ariz. Ct. App. 1999).

### 14 **III. Discussion.**

15 Plaintiff’s complaint seeks to enforce the truth affidavit, commercial lien, and  
16 administrative judgment that were the subject of the case between Plaintiff and Defendant  
17 in La Paz County Superior Court. Docs. 1, 12-1. The Superior Court was a court of  
18 competent jurisdiction, and issued a final judgment holding that the documents are false,  
19 in violation A.R.S. 33 § 420, and provide no basis for Plaintiff to seek damages against  
20 Defendant. *Id.* Defendant’s cross-motion attaches the September 22, 2010, Superior  
21 Court judgment in his favor. Doc. 12-1.

22 Plaintiff does not dispute that the Superior Court was a court of competent  
23 jurisdiction that issued a final judgment on the very claims he now asserts against  
24 Defendant. Plaintiff instead argues that the Superior Court judgment has been “cancelled  
25 out” and cannot give rise to *res judicata*. Docs. 14 at 1, 29 at 2. As evidence, Plaintiff  
26 attaches a copy of the Superior Court’s order with each page stamped “Accepted for  
27 value” and signed by Plaintiff. Doc. 14 at 7-9. Plaintiff attests that he mailed copies of  
28 the “accepted for value order” to the defense attorney, La Paz Superior Court Judge

1 Randolph Bartlett, and the La Paz Superior Court, and that he recorded the order and  
2 proofs of service in the La Paz County Recorder's Office. Doc. 15, ¶¶ 4-5. Plaintiff  
3 argues that these actions had the effect of voiding the court order "by operation of law."  
4 Doc. 29 at 1-4.

5 Plaintiff's argument is frivolous. The mere fact that he stamped and signed the  
6 Superior Court order with language he believed invalidated it, and then mailed and  
7 recorded the order, does not alter the legal effect of the order. Citizens do not have  
8 authority to countermand court orders. Under Plaintiff's argument, any litigant unhappy  
9 with the outcome of a case could have the court order voided simply by affixing and  
10 recording his purported opposition to it. There is no legal basis for such an action, and  
11 Plaintiff fails to produce any evidence upon which a reasonable jury could find in his  
12 favor.<sup>2</sup>

13 The Superior Court's judgment is entitled to *res judicata* effect. Plaintiff's claims  
14 are precluded, and summary judgment will be entered in favor of Defendant.

15 **IT IS ORDERED:**

- 16 1. Plaintiff's motion for summary judgment (Doc. 8) is **denied**.
- 17 2. Defendant's motion for summary judgment (Doc. 12) is **granted**.
- 18 3. Defendant's motion to dismiss (Doc. 11) and Plaintiff's motions to amend  
19 (Doc. 4), for a temporary restraining order (Doc. 31), and for a cease and desist order  
20 (Docs. 32) are **denied**.
- 21 4. The Clerk shall **terminate** this action.

22 Dated this 7th day of September, 2012.

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David G. Campbell  
United States District Judge

27 <sup>2</sup> The "accepted for value" statement refers to Section 3-419 of the Uniform  
28 Commercial Code, which concerns assigning and accepting negotiable instruments. This  
provision has no application to the validity of court orders or judgments.